

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LATOYIN V. DAVIS,

Plaintiff,

v.

SPENCER D. GROSS, DOMINO'S PIZZA,
LLC, and SEDGWICK CLAIMS
MANAGEMENT SERVICES, INC.,

Defendants.

8:23CV548

ORDER

Plaintiff LaToyin V. Davis ("Davis") filed this 42 U.S.C. § 1983 case *pro se* on December 14, 2023 (Filing No. 1). With leave, he supplemented his complaint on February 27, 2024 (Filing Nos. 11, 12). *See* Fed. R. Civ. P. 15(a)(1).

Before the Court is a Findings and Recommendation (Filing No. 43) the magistrate judge¹ issued on November 13, 2024, regarding the status of Davis's putative claims against defendant Spencer D. Gross ("Gross"). *See* 28 U.S.C. § 636(b)(1)(B) (authorizing magistrate judges to issue findings and recommendations on pretrial dispositive matters); Fed. R. Civ. P. 72(b)(1) (same). After a thorough review of Davis's efforts to obtain summons and serve process in this case, the magistrate judge recommends the Court dismiss those claims because "[d]espite various efforts and extensions of time, [Davis] has not properly served [Gross]." *See* Fed. R. Civ. P. 4(m) ("If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time."). Davis has neither objected to the magistrate judge's findings and recommendation nor provided any evidence that he properly served

¹The Honorable Jacqueline M. DeLuca, United States Magistrate Judge for the District of Nebraska.

Gross. *See* 28 U.S.C. § 636(b)(1) (permitting timely objections); Fed. R. Civ. P. 72(b)(2) (same).

Section 636(b)(1) requires this Court to “make a de novo review of . . . specified proposed findings or recommendations to which objection is made.” Absent objection, however, further review is unnecessary. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009) (“[T]he failure to file objections eliminates not only the need for de novo review, but *any* review by the district court.”); *see also* NECivR 72.2(f) (stating that failing to object may be construed as a waiver). Such is the case here.

In light of the foregoing,

IT IS ORDERED:

1. The magistrate judge’s Findings and Recommendation (Filing No. 43) is accepted. Any objections are deemed waived.
2. Plaintiff LaToyin V. Davis’s Complaint (Filing No. 1) as Supplemented (Filing No. 11) is dismissed without prejudice as to defendant Spencer D. Gross for failure to serve process within the time specified by Federal Rule of Civil Procedure 4(m).

Dated this 3rd day of December 2024.

BY THE COURT:



Robert F. Rossiter, Jr.
Chief United States District Judge